

State Board of Elections Policy 2008-002

A meeting of the Virginia State Board of Elections was held on May 23, 2008 whereby a policy was proposed and approved by the Board:

Scope of “Continental Borders of the United States” For Absentee Voting Purposes

Whereas, in 2002 the State Board of Elections began emergency and pilot programs to electronically transmit (by email or fax) blank absentee ballots to certain eligible voters under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA); and

Whereas, the General Assembly in 2008 enacted legislation to make permanent and expand the program to include electronically transmitting blank absentee ballots to eligible voters who request electronic ballot transmission “if the applicant voter is residing or is stationed outside the continental borders of the United States” [Chapters 106 and 300, 2008 Acts of Assembly] ;

Whereas, the Code of Virginia contains no definition of “continental United States;”

Whereas, the State Board of Elections on its website has described the program as being available to eligible voters stationed in Alaska and blank ballots have previously been emailed or faxed to those Virginia voters;

Whereas, the longstanding agency interpretation is entitled to deference and effects the intention of the General Assembly to facilitate voting by Virginia residents stationed in remote areas; now, therefore, be it

Resolved, by the State Board of Elections under its authority to issue rules and regulations to promote the proper administration of election laws and obtain uniformity in the administration of elections pursuant to § 24.2-103, that for purposes of implementing § 24.2-706 of the Code of Virginia, as amended, and related statutes, “the continental borders of the United States” means the 48 contiguous states and the District of Columbia.